

Message Text

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ACTION EB-08

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FM AMEMBASSY TRIPOLI
TO SECSTATE WASHDC PRIORITY 5766
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AMEMBASSY CAIRO

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E.O. 11652: N/A
TAGS: EWWT, LY
SUBJECT: LIBYAN BOYCOTT OF VESSELS CALLING AT EGYPTIAN PORTS

REF: STATE 209122

BEGIN UNCLASSIFIED

1. SINCE THE LIBYAN IMPOSITION OF A BAN ON SHIPS CALLING AT EGYPTIAN PORTS, THERE HAS TO OUR KNOWLEDGE BEEN NO PUBLIC LAW, DECREE, REGULATION, HEARING OR OTHER ANNOUNCEMENT ON THE SUBJECT. DEPARTMENT WILL RECALL THAT BAN WAS INCLUDED IN A FOREIGN OFFICE STATEMENT OF NOVEMBER 26, 1977, WHICH ANNOUNCED INTER ALIA THE "PROHIBITION OF FOREIGN VESSELS MORRING IN EGYPTIAN PORTS OR CARRYING GOODS FROM OR TO EGYPT FROM TRANSIT, ENTRY OR MORRING IN THE LIBYAN TERRITORIAL WATERS OR LIBYAN PORTS."

2. WE ARE TOLD BY TRADE SOURCES THAT THE BAN IS BEING ENFORCED THROUGH INSPECTION OF SHIPS' LOGS AND CARGO MANIFESTS, TO SEE IF VESSEL HAS CALLED AT EGYPTIAN PORT OR IS BOUND FOR EGYPTIAN PORT, BUT THAT TO THEIR KNOWLEDGE NO
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VIOLATOR HAS YET BEEN DETECTED. A PORT ADMINISTRATION SOURCE HAS ALSO TOLD US INFORMALLY THAT BAN IS BEING ENFORCED, BUT THAT NO VIOLATORS HAVE BEEN FOUND SO FAR. THE LATTER NOTED THAT AN INTERNAL INSTRUCTION HAS BEEN ISSUED FOR ENFORCING BOYCOTT, BUT THAT IT IS A PRIVATE DOCUMENT FOR OFFICIAL USE ONLY. A FOREIGN OFFICE OFFICIAL HAS TOLD US THERE IS NO DETAILED DIRECTIVE ON BAN BUT IT

IS HIS UNDERSTANDING THAT A VESSEL WOULD NOT BE PROHIBITED FROM CALLING FIRST AT LIBYAN PORT AND THEN PROCEEDING TO EGYPTIAN PORT; HOWEVER, SUCH VESSELS WOULD ON SUBSEQUENT VOYAGES BE BANNED FROM LIBYAN PORTS. END UNCLASSIFIED

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3. COMMENT. WE DO NOT FULLY TRUST INTERPRETATION OF FONOFF OFFICIAL, WHO IS HEAD OF ECONOMIC DIVISION NEWLY INSTALLED IN OFFICE, BUT A CALL AT TRIPOLI BEFORE AN EGYPTIAN PORT CALL WOULD APPEAR TO RUN LESS RISK THAN VICE VERSA. THIS OFFICIAL SAID ALSO THAT THERE HAVE BEEN NO VIOLATIONS DETECTED AND THAT BAN IS NOT BEING ENFORCED RIGOROUSLY. THE FACT THAT NO VIOLATIONS HAVE COME TO ATTENTION COULD MEAN A) INSPECTORS HAVE NOT ALWAYS BEEN DILIGENT IN THEIR DUTIES, AND/OR B) SHIPPING LINES HAVE ACKNOWLEDGED ABILITY OF LIBYANS TO BAN CERTAIN SHIPS FROM THEIR PORTS WITHOUT ISSUANCE OF PUBLIC REGULATIONS OR GUIDELINES AND HAVE REFRAINED FROM TESTING BAN. GIVEN LIBYAN NATURE AND LACK OF PRECEDENTS, WE CANNOT WITH CONFIDENCE PREDICT THE PENALTY FOR THE FIRST DETECTED VIOLATOR. SINCE THE BAN COMES FROM A GOVERNMENT STATEMENT RATHER THAN FORMAL LAW WITH SPECIFIED PENALTIES, MOST REASONABLE PENALTY WOULD APPEAR TO BE DENIAL OF PERMISSION TO UNLOAD AND PERHAPS BAN ON FUTURE CALLS BY VESSEL AT LIBYAN PORTS. HOWEVER, POSSIBILITY OF FINE
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CANNOT BE EXCLUDED. WE ASSUME FARRELL LINES UNDERSTANDS RISKS ITS VESSEL IS RUNNING IN CALLING AT BOTH LIBYAN AND EGYPTIAN PORTS ON SAME VOYAGE. WE SEE LITTLE POSSIBILITY OF LEARNING PRECISELY HOW THE SHIPPING BAN IS BEING ADMINISTERED. END LIMITED OFFICIAL USE.
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